

EXHIBIT A

A. CLAIM CONSTRUCTIONS FOR APPLE’S DESIGN PATENTS

Term	Construction
The claim of the D’279 patent.	<p>The ornamental design for an electronic device, as shown in Figures 1–9 of the D’279 patent.</p> <p>The broken lines in the figures show portions of the electronic device and environment that form no part of the claimed design. The oblique line shading shows a transparent, translucent and highly polished or reflective surface.</p> <p><u>Masimo’s proposed additions:</u>¹</p> <p>{{ During the course of obtaining the patent, Apple made the following representations to the Patent Office:</p> <p style="padding-left: 40px;">The design is a “streamlined, elegant” appearance as opposed to a “bulky” collection of shapes and has an overall appearance of multiple concentric circles, evoking a bulls-eye, target, or ripples in a pond.²</p> <p style="padding-left: 40px;">The physical position of the arch shapes, and their elongate proportions compared to the outermost continuous circle, suggests a unified continuous circle, despite the arch shapes not touching each other. The unified circular appearance provided by the arches is prominent and significant.³</p>

¹ Apple objects to each of Masimo’s proposed additions for at least the reasons stated in the accompanying Joint Notice.

² See, e.g., DTX-1358 at 32 (“These prominently visible features [of the prior art] provide a *different overall appearance that is bulky* and dominated by the opposed curved shapes providing a crowded appearance rather than *the ‘279 patents streamlined elegant* concentric circle *appearance.*”); 8 (“contribute to *an overall appearance of multiple concentric circles evoking a bullseye target or ripples in a pond.*”).

³ See, e.g., *id.*, at 30 (“The ‘279 patent includes an outer circular shape formed by *unified thin and elongated arches.*”), 10 (“The physical position of the arch shapes and their elongate proportions compared to the diameter of the outermost continuous circle suggests *a unified continuous circle* despite the arch shapes not touching each other.”); 10 (“*Each of these features* contribute to the unique concentric circular overall appearance, and *are significant to the ordinary designer.*”), 13-14 (“Each of the ... outer circular shape provided by the arch shaped

Term	Construction
	<p>The presence of the following features is functional:</p> <p>A generally convex shape that increases skin contact and that is shaped to correspond to a concave shape of a charger.</p> <p>Arch shapes that are separated from each other and that are positioned to avoid overlapping with other design elements.</p> <p>A circular arrangement of shapes that are positioned to correspond to the position of light detectors (photodiodes or PDs).</p> <p>A central shape that is positioned to correspond to the position of light emitters (light emitting diodes or LEDs).</p> <p>You may still consider these functional aspects as part of the design to the extent that they contribute to the overall ornamentation of the design. }}</p>

portions ... has *an ornamental contribution significant to the claimed designs overall appearance.*”), 76 (prior art “depicts wide opposed shapes (below, blue) separated from one another at the ends by a significant gap that provides an appearance of opposed divided shapes.”).

Term	Construction
The claim of the D’842 patent.	<p>The ornamental design for an electronic device, as shown in Figures 1–9 of the D’842 patent.</p> <p>The broken lines in the figures show portions of the electronic device and environment that form no part of the claimed design.</p> <p><u>Masimo’s proposed additions:</u>⁴</p> <p>{{ During the course of obtaining the patent, Apple made the following representations to the Patent Office:</p> <p style="padding-left: 40px;">The design is a “streamlined, elegant” appearance as opposed to a “bulky” collection of shapes and has an overall appearance of multiple concentric circles, evoking a bulls-eye, target, or ripples in a pond.⁵</p> <p style="padding-left: 40px;">The physical position of the arch shapes, and their elongate proportions compared to the outermost continuous circle, suggests a unified continuous circle, despite the arch shapes not touching each other. The unified circular appearance provided by the arches is prominent and significant.⁶</p> <p>The presence of the following features is functional:</p> <p style="padding-left: 40px;">Arch shapes that are separated from each other and that are positioned to avoid overlapping with other design elements.</p> <p style="padding-left: 40px;">A circular arrangement of shapes that are positioned to correspond to the position of light detectors (photodiodes or PDs).</p> <p>You may still consider these functional aspects as part of the design to the extent that they contribute to the overall ornamentation of the design. }}</p>

⁴ Apple objects to each of Masimo’s proposed additions for at least the reasons stated in the accompanying Joint Notice.

Term	Construction
The claim of the D’131 patent.	<p>The ornamental design for a charger, as shown in Figures 1–11 of the D’131 patent.</p> <p>The broken lines in the figures show portions of the charger and environment that form no part of the claimed design. The shade lines in the figures show contour and not surface ornamentation.</p> <p><u>Masimo’s proposed additions:</u>⁷</p> <p>{{ During the course of obtaining the patent, Apple made the following representations to the Patent Office:</p> <p style="padding-left: 40px;">The design has an overall cylindrical shape, with a top major face dominated by a prominent recess that is inset relative to a flat ring.</p> <p style="padding-left: 40px;">The sidewall and bottom major face are continuous and uninterrupted and lack features such as protrusions, breaks, openings, or recesses.</p> <p style="padding-left: 40px;">The transitions between the sidewall and the top and bottom faces are not “chamfered” and do not have an overall stepped appearance.⁸ }}</p>

⁵ See, e.g., DTX-1356 at 5 (“The ‘842 patent claims a unique elegant design ... having an overall appearance of multiple concentric circles, evoking a bullseye, target, or ripples in a pond”), 36 (“the claimed design’s overall appearance as an elegant and streamlined series of concentric circles rather than a bulky assembly of shapes”).

⁶ See, e.g., *id.* at 6 (“the arch shapes are positioned such that the outer circular shape appears as a unified ring or circular shape”); 9 (“The physical position of the arch shapes and their elongate proportions compared to the diameter of the outermost continuous circle suggests a unified continuous circle despite the arch shapes not touching each other”).

⁷ Apple objects to each of Masimo’s proposed additions for at least the reasons stated in the accompanying Joint Notice.

⁸ See, e.g., DTX-1362 at 3–4 (“notable features such as its nonorthogonal transitions and the continuous claimed bottom surface and sidewall ... [e]ach of these features contribute to the claimed design’s unique and overall visual appearance and each are significant to the ordinary designer”), 4–5 (“top major face is dominated by a prominent circular concave recess (green) that is *inset relative to a flat ring* (blue)”), *id.* at 5 (“claimed design includes non-orthogonal

B. CLAIM CONSTRUCTIONS FOR APPLE’S UTILITY PATENTS

Term	Construction
“biosensor module” (’783 patent, claim 16 (which depends from claim 15); ’483 patent, claim 13 (which depends from claim 10))	Module that includes one or more components that detects and/or measures a physiological condition or property
“transparent” (’054 patent, claim 1; ’483 patent, claim 13 (which depends from claim 10))	Plain and ordinary meaning
“formed from a transparent [material/substrate]” (’054 patent, claim 1)	Plain and ordinary meaning
“carrier member” (’054 patent, claim 1)	Structure on which electrodes are positioned

Parties’ respective positions on outstanding dispute:

Apple proposes that the table of claim constructions for the utility patents include the constructions for “transparent” and “formed from a transparent [material/substrate]” that were issued in the Court’s *Markman* Order, as in the table above.

Masimo proposes that the table of claim constructions for the utility patents should not include the constructions for “transparent” and “formed from a transparent [material/substrate],” and should include an additional statement that “All other terms have their plain and ordinary meaning.”

transitions (e.g. curved or beveled edges) between the major faces and the sidewall”), *id.* (“Both the claimed sidewall and bottom major face of the design patent are continuous and lack features such as a protrusions, breaks, openings, or recesses.”), 72 (“Murray includes thin stacked concentric discs with chamfered upper edges at a transition between its middle and upper discs creating the appearance of a different diameter between the middle and upper discs. This is entirely distinct from the visual appearance of the patented design.”), 73 (“‘*chamfered edges differ substantially from claimed design*”).